

Remarks

In the Office Action mailed October 2, 2003, Claims 6, 7 and 9-11 are rejected under 35 U.S.C. §102(b), as being anticipated by WO 96/02323 A1 in the name of Müller et al. (translated as U.S. Pat. No. 5,859,265). Claims 8 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over WO 96/02323 A1 in the name of Müller et al. as applied to Claim 6 and further in view of U.S. Pat. No. 6,031,116 issued to Bowman et al. The Examiner made those rejections FINAL.

An Amendment under 37 CFR § 1.116 was filed on December 1, 2003. In the Advisory Action, mailed January 21, 2004, the Examiner indicated that the amendment would not be entered, as it did not place the application in condition for allowance and would require additional consideration/search. Applicants filed a Notice of Appeal on February 4, 2004. Applicants respectfully request the Examiner withdraw the finality of that Notice of Appeal to permit entry and consideration of the instant amendment.

Rejections under 35 U.S.C. §102(b)

Claims 6, 7 and 9-11 stand rejected under 35 U.S.C. §102(b), as being anticipated by WO 96/02323 A1 in the name of Müller et al. (translated as U.S. Pat. No. 5,859,265). Applicants respectfully disagree with the Examiner's contention regarding Müller et al.

Müller et al. teach a method for regeneration of a catalyst based on titanium silicalite with a gold modifier as the Examiner points out at page 2 of the instant Office Action. By the Examiner's own admission at page 5 of the instant Office Action, Müller et al. disclose a "... compound containing both titanium dioxide and silicon dioxide...." Although Applicants respectfully disagree with the Examiner's assertion that "wherein" is an open transitional phrase, in the interest of expediting prosecution of the instant application, the claims have been amended to clearly state that the catalyst is made from a material selected from the group consisting of titanium dioxide and hydrous titanium dioxide.

Therefore, Applicants contend that Müller et al. neither disclose nor suggest the instantly claimed method and respectfully request the Examiner reconsider and reverse his rejection of Claims 6, 7 and 9-11 under 35 U.S.C. §102(b), as being anticipated by WO 96/02323 A1 in the name of Müller et al. (translated as U.S. Pat. No. 5,859,265).

Rejections under 35 U.S.C. §103(a)

Claims 8 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over WO 96/02323 A1 in the name of Müller et al. as applied to Claim 6 and further in view of U.S. Pat. No. 6,031,116 issued to Bowman et al. Applicants respectfully disagree with the Examiner's contention regarding the cited art.

Applicants' comments above regarding Müller et al. are equally applicable to the present rejection. Müller et al. fail to teach or suggest the instantly claimed method of regenerating a catalyst made from a material selected from the group consisting of titanium dioxide and hydrous titanium dioxide. Bowman et al. fail to add the missing teaching or suggestion leading one of ordinary skill in the art to the instantly claimed method.

Therefore, Applicants contend that nothing in the combined teaching of the cited art would lead one of ordinary skill in the art to the instantly claimed invention and respectfully request the Examiner reconsider and reverse his rejection of Claims 8 and 13 under 35 U.S.C. §103(a) as being unpatentable over WO 96/02323 A1 in the name of Müller et al. as applied to Claim 6 and further in view of U.S. Pat. No. 6,031,116 issued to Bowman et al.

Conclusion

Applicants have amended Claim 6. Such claim amendments add no new matter and find support in the specification.

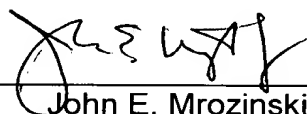
Applicants submit that the instant application is in condition for allowance. Accordingly, reconsideration and a Notice of Allowance are respectfully requested for Claims 6-11 and 13. If the Examiner is of the opinion that the instant application

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is in condition for other than allowance, he is requested to contact the Applicants' Attorney at the telephone number listed below, so that additional changes to the claims may be discussed.

Respectfully submitted,

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